

which includes testing at pressure and within the operational limits. Based upon the inspectors' observations and their review of Rosemount correspondence with Dow Corning, the NRC concludes that the shelf life of the oil does not constitute a safety issue.

The Petitioner filed an earlier Petition on March 28, 1994, in which he requested that the NRC inform all users of Rosemount 1150-series pressure transmitters and series 510 and 710 DU trip devices of "significant safety problems identified in NRC Inspection Report 99900271/93-01." By letter dated May 2, 1994, the Petitioner repeated this request. I responded to this request by letter dated June 3, 1994. In my response, I summarized some of the above discussion and stated that the staff did not consider the shelf life of the DC 704 fill oil to be significant.²

The Commission's regulations in 10 CFR Part 21 require that notification be provided of any basic component supplied to a licensed facility that contains defects which could create a substantial safety hazard. However, the staff determined that Rosemount was not required to notify the NRC nor to inform its customers under the provisions of 10 CFR Part 21 because a defect or deviation as defined in 10 CFR § 21.3 was not identified.

B. Sensor-Cell Fill-Oil Crystallization

An NRC staff concern regarding potential crystallization of DC 704 silicone oil that is used in Rosemount Models 1153 and 1154 safety-related transmitters' sensor-cells was formally transmitted to Rosemount by an NRC letter dated June 2, 1994. That letter identified the staff's concern regarding an apparent disparity between the fill oil manufacturer's precautionary note on temperature limitations and the Rosemount product data sheet. The June 2, 1994, letter also noted that Rosemount believed it had adequately addressed the concern in tests conducted in 1980, but that it was pursuing the matter further with the fill oil manufacturer. Rosemount's letter of September 28, 1994, provided an analysis and response to these concerns. Rosemount's analysis concluded that preconditioning of the fill oil during the transmitter manufacturing process, coupled with initial and periodic testing of the transmitters in service at plants, provide adequate assurance that proper transmitter performance is maintained. The analysis also noted that Rosemount

was aware of the fill oil's potential for crystallization and addressed its concerns in a 1980 report which concluded that crystallization was not a concern as long as certain conditions were met. These conditions are assured by Rosemount's manufacturing processes and its transmitter's specified range of operation. Rosemount informed the staff in a September 1994 submittal that it found no evidence of fill oil crystallization at licensee facilities. In addition, an NRC staff review of industry data did not identify any instances of Rosemount Model 1153 or 1154 transmitter sensor-cell oil crystallization. The NRC staff conducted an inspection at the Rosemount facility in January 1995 (Inspection report 99900271/95-01), specifically to review the crystallization issue. Based on the team's review of the Rosemount procedures, manufacturing process and personal interviews with the Rosemount manufacturing and engineering staff, the NRC staff concluded that Rosemount's actions in 1980 regarding the DC 704 cautionary note adequately addressed its 10 CFR Part 21 responsibilities and the validity of its engineering basis for its Model 1153 and 1154 low temperature designed application. Additionally, the team determined that, although not required by 10 CFR Part 21, Rosemount had provided its customers a summary of its engineering analysis in a letter of December 1, 1994, and that Rosemount had appropriately implemented its applicable manufacturing process controls. The team also concluded that Rosemount's conditioning of the DC 704 oil before its use should remove any existing seeds which could cause crystallization. Based on a review of the information provided by Dow Corning, observations of Rosemount testing, and industry historical data that indicates no instances of crystallization, the staff concludes that the concern regarding crystallization of DC 704 oil is adequately addressed by the transmitter manufacturing process and performance testing by the licensees.

In summary, the staff found that Rosemount identified, evaluated and took appropriate actions regarding the manufacturer's cautionary note concerning the transmitter fill-oil temperature limitations in 1980. Since Rosemount's manufacturing and testing processes are sufficient to assure a low probability of crystallization of the fill oil, the staff has determined that Dow Corning's cautionary note regarding crystallization did not constitute a deviation from the Rosemount product data sheet. Therefore, Rosemount was

not required to inform its customers of the issue under the provisions of 10 CFR Part 21.

The aspect of the Petitioner's request regarding shelf life limitations and crystallization of the fill oil is denied. The self-life issue was evaluated by the staff and, as discussed in my December 22, 1994, letter to the Petitioner, found not to be a significant safety issue. As discussed in the NRC's December 9, 1994, letter to Rosemount and NRC Inspection Report No. 99900271/95-01, the crystallization issue was determined by NRC staff to have been adequately addressed by Rosemount in regard to its engineering and 10 CFR Part 21 responsibilities. Rosemount was not required under Part 21 to inform affected purchasers of these conditions, therefore, no violation of 10 CFR Part 21 was identified. Since the remainder of the Petitioner's request relates to enforcement action which is predicated on a violation of NRC regulations, the remainder of the Petitioner's request is also denied.

III. Conclusion

As explained above, following its review of the Petitioner's request and supporting argument, the NRC staff concludes that Rosemount did not violate 10 CFR Part 21 with respect to the issues raised in this Petition. Accordingly, the Petition is hereby denied.

A copy of this Decision will be filed with the Secretary of the Commission for the Commission to review as provided in 10 CFR § 2.206(c). The Decision will become the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes a review of the Decision in that time.

Dated at Rockville, Maryland, this 5th day of July 1995.

For the Nuclear Regulatory Commission.
William T. Russell,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 95-17027 Filed 7-11-95; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric and Gas Co., (Salem Nuclear Generating Station, Unit 1; Exemption)

I

The Public Service Electric and Gas Company (the licensee) is the holder of Facility Operating License No. DPR-70, which authorizes operation of the Salem Nuclear Generating Station, Unit 1 (the facility). The license provides, among

² A Director's Decision responding to the other issues raised in the Petitioner's December 31, 1992, and March 28, 1994, Petitions (DD-94-12) was issued on December 15, 1994. 40 NRC 370.

other things, that Salem, Unit 1 is subject to all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or thereafter in effect.

The facility is a pressurized water reactor, located at the licensee's site in Salem, New Jersey.

II

Section III.D.1.(a) of Appendix J to 10 CFR Part 50 requires the performance of three Type A containment integrated leakage rate tests (CILRTs), at approximately equal intervals during each 10-year service period. The third test of each set shall be conducted when the plant is shutdown for the 10-year plant inservice inspection.

III

By letter dated April 4, 1995, the licensee requested relief from the requirement to perform a set of three Type A tests at approximately equal intervals during each 10-year service period. The requested exemption would permit an interval extension for the second Type A test and defer this test from the twelfth refueling outage, scheduled to begin September 1995, to the thirteenth refueling outage, scheduled to begin February 1997 and end no later than June 1997.

The licensee's request cites the special circumstances of 10 CFR 50.12, paragraph (a)(2)(ii), as the basis for the exemption. The underlying purpose of the requirement to perform three Type A CILRTs, at approximately equal intervals during each 10-year service period, is to assure that any potential leakage pathways through the primary reactor containment are identified within a time span that prevents significant degradation from continuing or becoming unknown. The licensee has stated that the existing Type B and C local leak rate test (LLRT) programs are not being modified by this request, and will continue to effectively detect containment leakage caused by the degradation of active containment isolation components as well as containment penetrations. It has been the consistent and uniform experience at Salem during the four Type A tests conducted from 1979 to date that any significant containment leakage paths are detected by the Type B and C testing. The Type A test results have only been confirmatory of the results of the Type B and C test results. Therefore, consistent with 10 CFR 50.12, paragraph (a)(2)(ii), application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

IV

Section III.D.1.(a) of Appendix J to 10 CFR Part 50 states that a set of three Type A leakage rate tests shall be performed at approximately equal intervals during each 10-year service period.

The licensee proposes an exemption to this section which would provide an interval extension for the next Type A test. The Commission has determined that pursuant to 10 CFR 50.12(a)(1) this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption; namely, that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

The NRC staff has reviewed the basis and supporting information provided by the licensee in the exemption request. The NRC staff has noted that the licensee has a good record of ensuring a leak-tight containment. All Type A tests were within the acceptance limits. The only penetrations with a history of unacceptable, as found, leakage have been the containment air lock shaft seals, and during the eleventh refueling outage a new type shaft seal was installed. The licensee has noted that the results of the Type A testing have been confirmatory of the Type B and C tests, which will continue to be performed. The licensee has stated to the NRC Project Manager that they will perform the general containment inspection although it is only required by Appendix J (Section V.A) to be performed in conjunction with Type A tests. The NRC staff considers that these inspections and system enhancements, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary.

The NRC staff has also made use of the information in a draft staff report, NUREG-1493, which provides the technical justification for the present Appendix J rulemaking effort which also includes a 10-year test interval for Type A tests. The integrated leakage rate test, or Type A test, measures overall containment leakage. However, operating experience with all types of containments used in this country demonstrates that essentially all containment leakage can be detected by local leakage rate tests (Type B and C). According to results given in NUREG-1493, out of 180 ILRT reports covering

110 individual reactors and approximately 770 years of operating history, only about 3% of leakage that exceeds current requirements is detectable only by CILRTs, and those few failures were only marginally above prescribed limits. This study agrees well with previous NRC staff studies which show that Type B and C testing can detect a very large percentage of containment leaks. The Salem experience has also been consistent with these results.

The Nuclear Management and Resources Council (NUMARC), now the Nuclear Energy Institute (NEI), collected and provided the NRC staff with summaries of data to assist in the Appendix J rulemaking effort. NUMARC collected results of 144 ILRTs from 33 units; 23 ILRTs exceeded $1.0L_a$. Of these, only nine were not due to Type B or C leakage penalties. The NEI data also added another perspective. The NEI data show that in about one-third of the cases exceeding allowable leakage, the as-found leakage was less than $2L_a$; in one case the as-found leakage was less than $3L_a$; one case approached $10L_a$; and in one case the leakage was found to be approximately $21L_a$. For about half of the failed ILRTs the as-found leakage was not quantified. These data show that, for those ILRTs for which the leakage was quantified, the leakage values are small in comparison to the leakage value at which the risk to the public starts to increase over the value of risk corresponding to L_a (approximately $200L_a$, as discussed in NUREG-1493). Therefore, based on these considerations, it is unlikely that an extension of one cycle for the performance of the Appendix J, Type A test at Salem would result in a significant degradation of the overall containment integrity. As a result, the application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of the rule.

Based on generic and plant specific data, the NRC staff finds the basis for the licensee's proposed exemption to allow a one-time exemption to permit a schedular extension of one cycle for the performance of the Appendix J Type A test, provided that the general containment inspection is performed, to be acceptable.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this Exemption will not have a significant impact on the quality of the human environment (60 FR 34560).

This Exemption is effective upon issuance and shall expire at the completion of the thirteenth refueling outage.

Dated at Rockville, Maryland this 5th day of July 1995.

For the Nuclear Regulatory Commission.

Steven A. Varga,

*Director, Division of Reactor Projects—I/II,
Office of Nuclear Reactor Regulation.*

[FR Doc. 95–17028 Filed 7–11–95; 8:45 am]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

[Docket No. A95–15; Order No. 1066]

**In the Matter of: Maryneal, Texas 79535
(Virginia Muncy, Petitioner); Notice and
Order Accepting Appeal and
Establishing Procedural Schedule
Under 39 U.S.C. 404(b)(5)**

Issued July 6, 1995.

Docket Number: A95–15.

Name of Affected Post Office:

Maryneal, Texas 79535.

Name(s) of Petitioner(s): Virginia
Muncy.

Type of Determination: Closing.

Date of Filing of Appeal Papers: June
27, 1995.

*Categories of Issues Apparently
Raised:*

1. Effect on postal services [39 U.S.C.
404(b)(2)(C)].

2. Effect on the community [39 U.S.C.
404(b)(2)(A)].

After the Postal Service files the
administrative record and the
Commission reviews it, the Commission
may find that there are more legal issues
than those set forth above. Or, the
Commission may find that the Postal
Service's determination disposes of one
or more of those issues.

The Postal Reorganization Act
requires that the Commission issue its
decision within 120 days from the date
this appeal was filed (39 U.S.C. 404
(b)(5)). In the interest of expedition, in
light of the 120-day decision schedule,
the Commission may request the Postal
Service to submit memoranda of law on

any appropriate issue. If requested, such
memoranda will be due 20 days from
the issuance of the request and the
Postal Service shall serve a copy of its
memoranda on the petitioners. The
Postal Service may incorporate by
reference in its briefs or motions, any
arguments presented in memoranda it
previously filed in this docket. If
necessary, the Commission also may ask
petitioners or the Postal Service for
more information.

The Commission Orders

(a) The Postal Service shall file the
record in this appeal by July 12, 1995.

(b) The Secretary of the Postal Rate
Commission shall publish this Notice
and Order and Procedural Schedule in
the **Federal Register**.

By the Commission.

Margaret P. Crenshaw,
Secretary.

Appendix

June 27, 1995	Filing of Appeal letter.
July 6, 1995	Commission Notice and Order of Filing of Appeal.
July 24, 1995	Last day of filing of petitions to intervene [see 39 CFR 3001.111(b)].
August 1, 1995	Petitioner's Participant Statement or Initial Brief [see 39 CFR 3001.115(a) and (b)].
August 21, 1995	Postal Service's Answering Brief [see 39 CFR 3001.115(c)].
September 5, 1995	Petitioner's Reply Brief should Petitioner choose to file one [see 39 CFR 3001.115(d)].
September 12, 1995	Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR 3001.116].
October 25, 1995	Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)].

[FR Doc. 95–16980 Filed 7–11–95; 8:45 am]

BILLING CODE 7710–FW–P

[Docket No. A95–14; Order No. 1065]

**In the Matter of: Sargentville, Maine
04673 (John R. Algeo, et al.,
Petitioners); Notice and Order
Accepting Appeal and Establishing
Procedural Schedule Under 39 U.S.C.
404(b)(5)**

Issued July 6, 1995.

Docket Number: A95–14.

Name of Affected Post Office:

Sargentville, Maine 04673.

Name(s) of Petitioner(s): John R.
Algeo, et al.

Type of Determination: Closing.

Date of Filing of Appeal Papers: June
26, 1995.

*Categories of Issues Apparently
Raised:*

1. Effect on postal services [39 U.S.C.
404(b)(2)(C)].

2. Effect on the community [39 U.S.C.
404(b)(2)(A)].

After the Postal Service files the
administrative record and the
Commission reviews it, the Commission
may find that there are more legal issues
than those set forth above. Or, the
Commission may find that the Postal
Service's determination disposes of one
or more of those issues.

The Postal Reorganization Act
requires that the Commission issue its
decision within 120 days from the date
this appeal was filed (39 U.S.C. 404
(b)(5)). In the interest of expedition, in
light of the 120-day decision schedule,
the Commission may request the Postal
Service to submit memoranda of law on
any appropriate issue. If requested, such
memoranda will be due 20 days from
the issuance of the request and the

Postal Service shall serve a copy of its
memoranda on the petitioners. The
Postal Service may incorporate by
reference in its briefs or motions, any
arguments presented in memoranda it
previously filed in this docket. If
necessary, the Commission also may ask
petitioners or the Postal Service for
more information.

The Commission orders

(a) The Postal Service shall file the
record in this appeal by July 11, 1995.

(b) The Secretary of the Postal Rate
Commission shall publish this Notice
and Order and Procedural Schedule in
the **Federal Register**.

By the Commission.

Margaret P. Crenshaw,
Secretary.

Appendix

June 26, 1995	Filing of Appeal letter.
July 6, 1995	Commission Notice and Order of Filing of Appeal.
July 21, 1995	Last day of filing of petitions to intervene [see 39 CFR 3001.111(b)].
July 31, 1995	Petitioners' Participant Statement or Initial Brief [see 39 CFR 3001.115 (a) and (b)].